

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

Civil Action No. 04-12135-NG

ROBERT WADE,
Plaintiff

v.

BERNARD F. BRADY, Superintendent, TIMOTHY J. CRUZ,
District Attorney, and
THOMAS F. REILLY, Attorney General,
Defendants

Motion for Extension of Time to
File Responsive Pleading

Now comes the Plaintiff, ROBERT WADE, through counsel and requests that the Court extend the time for him to file a responsive pleading to the Defendants' Motion to Dismiss to December 12, 2005. As grounds therefor, the Plaintiff states:

1. Counsel for the Plaintiff filed a Motion for Protective Order covering the dates of November 4 through November 17, which Motion was allowed by the Court (Gertner, J.) On October 28, 2005.
2. The Defendants filed a Motion to Dismiss on November 1, 2005.
3. Counsel for the Plaintiff requests that the Court allow her to extend the date to file a responsive pleading on behalf of the Plaintiff to December 12, 2005.

FILED
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U.S. DISTRICT COURT
DISTRICT OF MASS.

4. The Plaintiff further relies on the attached Affidavit of Counsel.

Respectfully submitted,

A handwritten signature in dark ink, appearing to be 'JP' with a stylized flourish extending to the right.

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Affidavit of Counsel

I, Janet H. Pumphrey, hereby depose and state:

1. I represent the Plaintiff in the above-captioned matter.
2. On November 1, 2005, I received by e-mail the Defendants' Motion to Dismiss.
3. I will be away on a long-planned vacation out of the country from November 4, 2005 through November 17, 2005.
4. I have previously filed a Motion for a Protective Order for those dates, which Motion has been allowed.
5. In addition, the week following my vacation will be Thanksgiving, and my family and I are celebrating Thanksgiving out of town.
6. On November 25, 2005, I must file Proposed Findings of Fact and Conclusions of Law with Suffolk Superior Court, following a three-day evidentiary hearing on my Motion for a New Trial in the case Commonwealth v. Jermaine Berry. These Proposed Findings will be extensive, and will be based on the transcript of the testimony which I have not yet received. Therefore, I cannot complete the Proposed Findings before I leave on vacation.
7. On November 29, 2005, Essex Superior Court has tentatively scheduled a hearing on my Motion for a New Trial in the case

Commonwealth v. Jacques Robidoux, which hearing will be in Suffolk Superior Court.

8. In addition, I have received an Order from Barnstable Superior Court requesting that parties schedule a mutually convenient hearing date before judge Quinlan in Cambridge, on my Motion for a New Trial in the case, Commonwealth v. Erin Colleran.
9. Therefore, on the basis of a work schedule that is unusually heavy the end of November, I am requesting additional time to respond to the Motion to Dismiss.

Signed under pains and penalties of perjury,



Janet H. Pumphrey